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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,582	01/27/2004	Tetsuro Motoyama	245416US2	8976

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/22/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/22/2007.

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# Office Action Summary

Application No.

10/764,582

Applicant(s)

MOTOYAMA ET AL.

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/8/06
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on November 27, 2006, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31. A new notice of appeal fee and appeal brief fee will not be required for applicant to appeal from the new Office action. Any appeal brief filed on or after September 13, 2004 must comply with 37 CFR 41.37.

2. Claims 1-30 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 7-12, 14, 17-22, 24, and 27-30 are rejected under 35

U.S.C. 102(a) and 35 U.S.C. 102(e) as being anticipated by Tewari et al. (US 2003/0084176 A1).

**INDEPENDENT:**

As per **claim 1**, Tewari teaches a method of initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising:

selecting a communication protocol among the respective communication protocols (see page 2, [0020]: "NMS 20 then determines whether that device supports SNMP");

retrieving, from a first memory, information for accessing the device using the selected communication protocol (see page 2, [0021]: "if the device is supports SNMP, NMS 20 uses SNMP to transmit a query (e.g., an SNMP GET) to the device");

accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device (see page 2, [0021]: "if the device responds to the SNMP query, NMS 20 uses SNMP to obtain device attributes such as device type, vendor, and model, from the device");

determining whether the vendor information was obtained from the device (see page 2, [0021]: "after obtaining the device attributes...");

if the vendor information was obtained from the device (see page 2, [0021]: “after obtaining the device attributes...”), (1) obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols (see page 2, [0021]: “NMS 20 may use an SNMP filter to retrieve some or all of the pertinent attributes of the device”), and (2) storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects (see Fig.2 and page 2, [0018]: “NMS stores configuration information for use... includes data that identifies network characteristics” and [0021]: “NMS 20 updates configuration table 40 with the information learned about the device”); and

if the vendor information was not obtained from the device, repeating the preceding steps until the vendor information is obtained (see pages 2-3, [0022]: “If NMS 20 has not yet tried all of those filters, the process returns to block 220 with NMS 20 using one of the untried SNMP filters... process continues until NMS 20 has obtained all of the pertinent attributes or has tried the last SNMP filter”) or until each communication protocol of the respective communication protocols has been selected (see page 3, [0024]: “If the NMS 20 has been unable to obtain device attributes after trying all of the custom filters, NMS 20 flags the device as nonresponsive”).

As per **claim 11**, Tewari teaches a system for initializing a plurality of protocol objects associated with respective communication protocols used to extract status

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information related to a monitored device communicatively coupled to a network, comprising:

means for selecting a communication protocol among the respective communication protocols (see page 2, [0020]: "NMS 20 then determines whether that device supports SNMP");

means for retrieving, from a first memory, information for accessing the device using the selected communication protocol (see page 2, [0021]: "if the device is supports SNMP, NMS 20 uses SNMP to transmit a query (e.g., an SNMP GET) to the device");

means for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device (see page 2, [0021]: "if the device responds to the SNMP query, NMS 20 uses SNMP to obtain device attributes such as device type, vendor, and model, from the device");

means for determining whether the vendor information was obtained from the device (see page 2, [0021]: "after obtaining the device attributes...");

means for obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols (see page 2, [0021]: "NMS 20 may use an SNMP filter to retrieve some or all of the pertinent attributes of the device"), if the means for determining determines that the vendor information was obtained from the device (see page 2, [0021]: "after obtaining the device attributes..."); and

means for storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects (see Fig.2 and page 2, [0018]: “NMS stores configuration information for use... includes data that identifies network characteristics” and [0021]: “NMS 20 updates configuration table 40 with the information learned about the device”), if the means for determining determines that the vendor information was obtained from the device (see page 2, [0021]: “after obtaining the device attributes...”).

As per **claim 21**, Tewari teaches a computer program product having a computer usable medium for initializing a plurality of protocol objects associated with respective communication protocols used to extract status information related to a monitored device communicatively coupled to a network, comprising:

instructions for selecting a communication protocol among the respective communication protocols (see page 2, [0020]: “NMS 20 then determines whether that device supports SNMP”);

instructions for retrieving, from a first memory, information for accessing the device using the selected communication protocol (see page 2, [0021]: “if the device is supports SNMP, NMS 20 uses SNMP to transmit a query (e.g., an SNMP GET) to the device”);

instructions for accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain vendor information related to the device (see page 2, [0021]: “if the device responds to the

SNMP query, NMS 20 uses SNMP to obtain device attributes such as device type, vendor, and model, from the device”);

instructions for determining whether the vendor information was obtained from the device (see page 2, [0021]: “after obtaining the device attributes...”);

if the vendor information was obtained from the device(see page 2, [0021]: “after obtaining the device attributes...”), (1) instructions for obtaining, from a second memory, support information for extracting the status information using each of the respective communication protocols (see page 2, [0021]: “NMS 20 may use an SNMP filter to retrieve some or all of the pertinent attributes of the device”), and (2) instructions for storing the vendor information and the respective support information in each protocol object of the plurality of protocol objects (see Fig.2 and page 2, [0018]: “NMS stores configuration information for use... includes data that identifies network characteristics” and [0021]: “NMS 20 updates configuration table 40 with the information learned about the device”); and

if the vendor information was not obtained from the device, instructions for repeating the preceding steps until the vendor information is obtained (see pages 2-3, [0022]: “If NMS 20 has not yet tried all of those filters, the process returns to block 220 with NMS 20 using one of the untried SNMP filters... process continues until NMS 20 has obtained all of the pertinent attributes or has tried the last SNMP filter”) or until each communication protocol of the respective communication protocols has been selected (see page 3, [0024]: “If the NMS 20 has been unable to obtain device attributes after trying all of the custom filters, NMS 20 flags the device as nonresponsive”).



**DEPENDENT:**

As per **claims 2, 12, and 22**, which depends on claims 1, 11, and 21, respectively, Tewari teach of further comprising:

accessing the device using the selected communication protocol and the information retrieved from the first memory to attempt to obtain model information related to the device (see page 2, [0021]: "and model").

As per **claims 4, 14, and 24**, which depends on claims 1, 11, and 21, respectively, Tewari further teaches wherein the retrieving step comprises: retrieving an IP address of the device (see Fig.2: "IP Address"), wherein the device is one of a copier, a scanner, a printer, a facsimile machine, an appliance (see page 2, [0014]; page 3, [0029]; and page 4, [0030]), and a metering system.

As per **claims 7, 17, and 27**, which depends on claims 1, 11, and 21, respectively, Tewari further teaches wherein storing the vendor information comprises storing the vendor information in protocol-dependent data structure associated with each protocol object (see Fig.2).

As per **claims 8, 18, and 28**, which depends on claims 1, 11, and 21, respectively, Tewari further teaches wherein the retrieving step comprises:

retrieving at least one of a web page address, a keyword, and a relative location for accessing the device, using HTTP (see Fig.2: "IP Address").

As per **claims 9, 19, and 29**, which depends on claims 1, 11, and 21, respectively, Tewari further teaches wherein the accessing step comprises:

transmitting, to the device, the information to access the device using the selected communication protocol (see page 2, [0021]: "SNMP GET").

As per **claims 10, 20, and 30**, which depends on claims 9, 19, and 29, respectively, Tewari further teaches wherein the accessing step comprises:

receiving, by the device, the transmitted information (implicit: see page 2, [0021]: "if the device responds to the SNMP query"); and  
processing, by the device, the received information (see page 2, [0019]: "processing according to the invention...").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 6, 13, 15, 16, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tewari et al. (US 2003/0084176 A1) in view of Jong et al. (US 6,192,403 B1)

As per **claims 3, 13, and 23**, which depends on claims 1, 11, and 21, respectively, Tewari teaches all the limitations including wherein the selecting step comprises:

selecting the communication protocol between SNMP and HTTP (see page 3, [0024]).

Tewari does not however teach of FTP.

Jong teach of FTP (see Table I: under Time Period T7).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Tewari in view of Jong so that FTP is employed. One would be motivated to do so because Tewari teaches that custom filters may include any vendor-specific network protocols (see page 3, [0024]).

As per **claims 5, 15, and 25**, which depends on claims 1, 11, and 21, respectively, Tewari further teaches all the limitations except wherein the selecting step comprises selecting FTP, and the retrieving step comprises retrieving at least one of a username and a password for accessing the device using FTP.

Jong teaches selecting FTP, and retrieving at least one of a username and a password for accessing the device (see col.8, lines 13-16), using FTP (see Table I: under Time Period T7).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Tewari in view of Jong so that FTP is selected and retrieving at least one of a username and a password for accessing the device using FTP. One would be motivated to do so because Tewari teaches that custom filters may include any vendor-specific network protocols (see page 3, [0024]) and employing username and password is a known means of validating and securing the system from malicious attackers.

As per **claims 6, 16, and 26**, which depends on claims 1, 11, and 21, respectively, Tewari further teaches all the limitations including wherein the selecting step comprises selecting SNMP and retrieving using SNMP (see page 2, [0020]).

Tewari does not teach that the retrieving step comprises retrieving at least one of a community name and a password for accessing the device.

Jong teaches retrieving at least one of a community name and a password for accessing the device (see claim 5, 15, and 25 rejection and motivation above).

### **Conclusion**

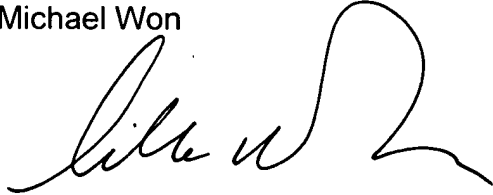
5. For the reason above claims 1-30 remain rejected and pending.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

A handwritten signature in black ink, appearing to read 'Mike Won', with a large, stylized loop at the end.

February 8, 2007